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116325-013600US

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U.S. APPLICATION NUMBER NO.

10/516,635

FIRST NAMED APPLICANT

Allan Bernard

ATTY. DOCKET NO.

016325-013600US

INTERNATIONAL APPLICATION NO.

PCT/US03/17725

LA. FILING DATE

06/04/2003

PRIORITY DATE

06/04/2002

Jean M Lockyer
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 Townsend and Townsend and Crew
 Two Embarcadero Center 8th Floor
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CONFIRMATION NO. 2823

371 FORMALITIES LETTER

OC000000015557533

OC000000015557533

Response Due 5/24/05

Date Mailed: 03/24/2005

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.

INTERNATIONAL APPLICATION NO.

ATTY. DOCKET NO.

10/516,635

PCT/US03/17725

016325-013600US

FORM PCT/DO/EO/922 (371 Formalities Notice)

10/516635

PTC 24 MAY 2005

PATENT

Docket No. 016325-008100US

Express Mail no.: EV 724259916 US

Dated: May 24, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ALLAN, *et al.*

Application No.: 10/516,635

Filed:

For: METHODS OF DIAGNOSING &
TREATING DIABETES AND INSULIN
RESISTANCE

Confirmation No. 2823

Art Unit:

Examiner:

NOTIFICATION OF ERROR IN SMALL
ENTITY STATUS AND PAYMENT OF
DEFICIENCY OWED UNDER 37 CFR
§1.28(c)

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The above-identified application filed by Express Mail on November 30, 2004, inadvertently claimed small entity status. The error was made without deceptive intent.

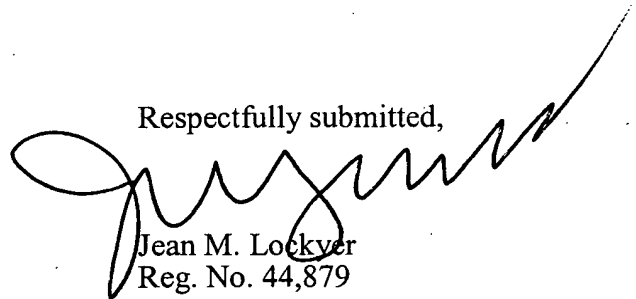
The following submission and itemization are submitted to meet the requirements of 37 CFR § 1.28(c)(1) and (c)(2). Applicants respectfully request the total deficiency payment be processed as set out below and that the error be excused.

ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

TYPE OF FEE	SMALL FEE ACTUALLY PAID 11/30/2004	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
U.S. National Stage Filing Fee	\$365		
U.S. Basic Nation Fee		\$300	
Examination Fee		\$200	
Search Fee		\$100	
Totals	\$365	\$600	\$235

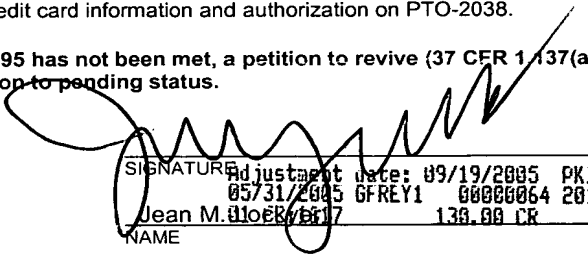
Applicants hereby authorize the Commissioner to deduct the total fees of \$235.00 from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. This authorization is submitted in duplicate.

Respectfully submitted,



Jean M. Lockyer
Reg. No. 44,879

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JML/mcd
60499337 v1

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/516,635		INTERNATIONAL APPLICATION NO. PCT/US03/17725		ATTORNEY'S DOCKET NUMBER 016325-013900US	
The following fees have been submitted:				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee \$300				\$	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100 All other situations \$200				\$	
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared and provided to the Office \$400 All other situations \$500				\$	
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 130	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$ 40	
TOTAL FEES ENCLOSED =				\$ 170	
				Amount to be refunded:	\$
				Amount to be charged:	\$ 170
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>20-1430</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>					
SEND ALL CORRESPONDENCE TO:					
Jean M. Lockyer, Ph.D. Patent Agent Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111					
SIGNATURE  Jean M. Lockyer NAME 44,879 REGISTRATION NUMBER					